

21 C.J.S. Courts § 147

Corpus Juris Secundum | May 2023 Update

Courts

M. Elaine Buccieri, J.D.; James Buchwalter, J.D.; Amy G. Gore, J.D., of the staff of the National Legal Research Group, Inc; and Lonnie E. Griffith, Jr., J.D.

IV. Terms and Sessions

B. Terms

3. Special or Extraordinary Term

§ 147. Notice of special term

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  64, 64(1) to 64(6)

The notice required to call a special term is ordinarily merely the filing or entry of the order calling it unless an applicable statute that is not construed to be merely directory requires otherwise.

In the absence of a statutory requirement, it is not necessary to give any notice of a special term other than the filing or entry of the order calling the term¹ as such a filing or entry is sufficient² and binds all parties.³ In some states, statutes requiring notice by advertisement, posting at the courthouse door, or other designated mode is considered essential to the validity of the term itself and the proceedings at the term⁴ though a defect or lack of strict or exact compliance may be regarded as a mere irregularity and not a jurisdictional defect.⁵

Westlaw. © 2023 Thomson Reuters. No Claim to Orig. U.S. Govt. Works.

Footnotes

- ¹ Tex.—*Hartman v. Byrd*, 47 S.W.2d 659 (Tex. Civ. App. Texarkana 1932).
- ² Vt.—*State v. Alfred*, 87 Vt. 157, 88 A. 534 (1913).
- ³ Vt.—*State v. Alfred*, 87 Vt. 157, 88 A. 534 (1913).
- ⁴ N.Y.—*McIntyre v. Sawyer*, 179 A.D. 535, 166 N.Y.S. 631 (1st Dep't 1917).

5 N.Y.—[People ex rel. Childs v. Extraordinary Trial Term of Supreme Court](#), 228 N.Y. 463, 127 N.E. 486 (1920) (substantial compliance sufficient).

End of Document

© 2023 Thomson Reuters. No claim to original U.S. Government Works.